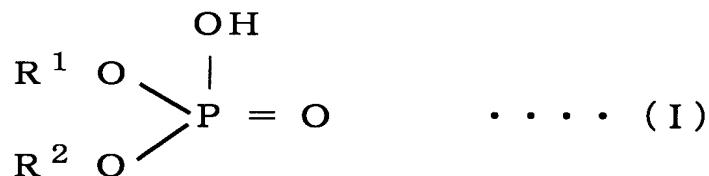


REMARKS

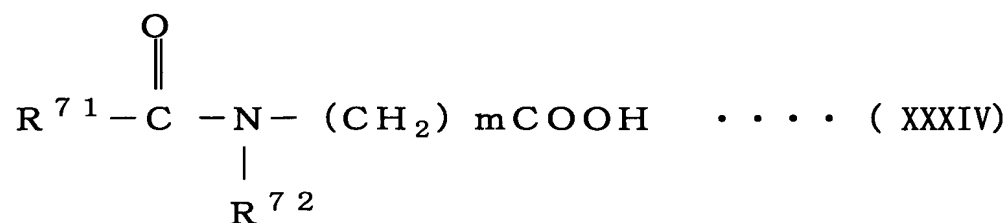
Claims 1, 2, and 5-20 are pending. Favorable reconsideration is respectfully requested.

The present invention relates to a refrigerator oil composition comprising a polyvinyl ether as a base oil, and containing, based on the total amount of the composition, (a) from 0.01 to 5 % by weight of a partial ester of a polyalcohol and a fatty acid, and (b) from 0.001 to 1 % by weight of an acid phosphate or its amine salt, wherein the acid phosphate is an orthophosphate of the following formula (I) or (II):



where R¹ and R² each, independently, represent an alkyl, alkenyl, alkylaryl or arylalkyl group having from 4 to 30 carbon atoms. See Claim 1.

The present invention also relates to a refrigerator oil composition comprising a base oil of a mineral oil and/or a synthetic oil, and containing at least one compound selected from the group consisting of (a) acid phosphates or their amine salts, (b) acetylene glycol alkylene oxide adducts, (c) potassium or sodium salts of fatty acids, (d) organic acids of the following general formula (XXXIV):



where R⁷¹ represents an alkyl group having from 6 to 30 carbon atoms, or an alkenyl group having from 6 to 30 carbon atoms; R⁷² represents an alkyl group having from 1 to 4 carbon atoms; and m indicates an integer of from 1 to 4,

and (e) fatty acid amides. See Claim 7.

The rejection of Claim 1-4 under 35 U.S.C. §103(a) over Seiki et al. (U.S. 5,403,503) is respectfully traversed. Seiki et al. fail to suggest the claimed refrigerator oil composition.

The references discloses a refrigerator oil composition which contains a polyoxyalkylene glycol derivative and/or a polyester compound, as a base oil, compounded with (a) an aliphatic acid partially esterified with a polyhydric alcohol and (b) a phosphate compound and/or a phosphate compound. See the Abstract. Component (b) is described by Seiki et al. at column 5, line 67 to column 6, line 56, and does not include the orthophosphate of formula (I) or (II) recited in Claim 1.

In contrast, the claimed oil composition contains a polyvinyl ether as a base oil and an orthophosphate of the following formula (I) or (II). Since Seiki et al. fail to disclose the combined use of those components in a refrigerator oil composition, the reference fails to suggest the oil composition specified in Claim 1. Accordingly, Claim 1 and claims dependent thereon are not obvious of that reference. Therefore, withdrawal of this ground of rejection is respectfully requested.

The rejections of Claims 1-13 under 35 U.S.C. §103(a) over Kaneko (U.S. 5,997,761) or Egawa et al. (6,261,474) in combination with Seiki et al. (U.S. 5,403,503) are respectfully traversed.

Kaneko discloses a refrigerating machine oil composition which comprises, in the form of a blend, a base oil comprising a mineral oil or a synthetic oil and at least one species of an amine salt of an organic phosphoric acid. See the Abstract. Kaneko fails to describe a partial ester of a polyalcohol and a fatty acid as an additive to the composition.

Egawa et al. disclose a lubricating oil containing a polyvinyl ether. See the Abstract. That reference fails to disclose the combined use of the same additives recited in the claims of the present application.

As discussed above, Seiki et al. disclose a refrigerator oil composition which contains a polyoxyalkylene glycol derivative and/or a polyester compound, as a base oil, compounded with (a) an aliphatic acid partially esterified with a polyhydric alcohol and (b) a phosphate compound and/or a phosphate compound. See the Abstract. Component (b) is described by Seiki et al. at column 5, line 67 to column 6, line 56, and does not include the orthophosphate of formula (I) or (II) recited in Claim 1.

The combination of Kaneko with Seiki et al. or Egawa et al. with Seiki et al. fails to suggest the claimed oil composition. No evidence has been provided to suggest that one skilled in the art would be motivated to use an aliphatic acid partially esterified with a polyhydric alcohol in the oil composition described by Kaneko or Egawa et al. In fact, the base oil of the claimed composition is a polyvinyl ether. The base oil in the composition disclosed by Seiki et al. is a polyoxyalkylene glycol derivative and/or a polyester compound, and no evidence has been cited to provide a reasonable expectation that the aliphatic acid partially esterified with a polyhydric alcohol described by Seiki et al. would function

effectively in the composition disclosed by Kaneko or Egawa et al. For these reasons, no *prima facie* case of obviousness has been established.

In addition, Applicants submit herewith an executed Rule 132 Declaration of Mr. Masato Kaneko. Mr. Kaneko is not an inventor in the present application. As described on page 3 of the Declaration, oil compositions were prepared with different additives and then tested for extreme pressure lubricity. In particular, Example 1 is from the present specification and contains acid phosphate as an additive. Examples A-C do not contain acid phosphate as an additive.

As stated by Mr. Kaneko at page 8 of the Declaration, "Example 1 wherein phosphate is an acid phosphate is unexpectedly better than Example A~C wherein phosphate is not acid phosphate."

Thus, the data presented in the Declaration demonstrates that the presence of the orthophosphate provides an oil composition with improved properties.

Withdrawal of this ground of rejection is respectfully requested.

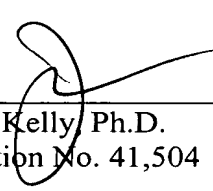
Applicants submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)
NFO/JK/lcd



James J. Kelly Ph.D.
Registration No. 41,504